

FILED  
5th JUDICIAL DISTRICT COURT  
Lea County  
8/28/2023 3:02 PM  
NELDA CUELLAR  
CLERK OF THE COURT  
Sandy Long

**STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT**

REPUBLICAN PARTY OF NEW MEXICO,  
DAVID GALLEGOS, TIMOTHY  
JENNINGS, DINAH VARGAS, MANUEL  
GONZALES, JR., BOBBY AND DEANN  
KIMBRO, and PEARL GARCIA,

Plaintiffs,

v.

Cause No. D-506-CV-2022-00041

MAGGIE TOULOUSE OLIVER as New  
Mexico Secretary of State, MICHELLE  
LUJAN GRISHAM as Governor of New  
Mexico, HOWIE MORALES as New Mexico  
Lieutenant Governor and President of the  
New Mexico Senate, MIMI STEWART as  
President Pro Tempore of the New Mexico  
Senate, and JAVIER MARTINEZ as Speaker  
of the House of Representatives,

Defendants.

**NOTICE OF NON-APPEARANCE REGARDING PLAINTIFFS' SUBPOENA TO TAKE  
DEPOSITION OF SENATOR DANIEL IVEY-SOTO**

**COMES NOW** Senator Daniel Ivey-Soto, by and through undersigned counsel pursuant to the Limited Entry of Appearance on Behalf of the Non-Party Citizen Legislators, filed August 7, 2023, and following the informal notice via email given to Plaintiffs' counsel on August 25, 2023, hereby gives formal notice that he will not appear at the deposition subpoenaed and noticed by Plaintiffs, for August 29, 2023, at 9:00 a.m., in the offices of Harrison & Hart, LLC, 924 Park Avenue SW, Suite E, Albuquerque, NM 87102. This Notice of Non-Appearance is served pursuant to Rule 1-030(G)(3) NMRA so that no counsel will incur any unnecessary costs or attorneys' fees in connection with the deposition. Senator Ivey-Soto is concurrently filing a

Joinder in the *Legislative Defendants' Motion to Quash Subpoenas for Deposition and for Protective Order* that was filed on August 16, 2023.

Respectfully submitted:

**PEIFER, HANSON, MULLINS & BAKER, P.A.**

/s/ Sara N. Sanchez

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*Attorneys for the Non-Party Citizen Legislators  
Pursuant to Limited Entry of Appearance*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2023 I caused the foregoing Notice, along with this Certificate of Service, to be served and filed electronically through the Tyler Technologies Odyssey File & Serve electronic filing system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

PEIFER, HANSON, MULLINS & BAKER, P.A.

By: /s/ Sara N. Sanchez  
Sara N. Sanchez